

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

-against-

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

-against-

HSBC BANK PLC, et al.,

Defendants.

Adv. Pro. No. 09-01364 (SMB)

DISCOVERY ARBITRATOR'S ORDER

The First Amended Case Management Plan in this matter (ECF No. 499), entered on April 9, 2018, provides for all discovery to be completed by July 3, 2019, with expert disclosures to be served by March 5, 2019.

Pursuant to my order dated December 17, 2018 (ECF No. 506), the Trustee deposed Peter Fischer as an Alpha Prime Fund Ltd. ("Alpha Prime") records custodian witness

on February 6, 2019. During the deposition, however, Mr. Fischer proved unable to answer certain important questions concerning the manner in which Alpha Prime collected and produced its documents.

By letter dated February 20, 2019, the Trustee's counsel brought to my attention the Trustee's concerns regarding Mr. Fischer's adequacy as a Rule 30(b)(6) witness. After Alpha Prime's counsel responded by letter dated February 26, 2019, I held a hearing on February 27, 2019, to consider the issues raised by counsels' letters.

Following the hearing, by order dated February 19, 2019, Judge Bernstein authorized the issuance of Requests for International Assistance directed to Stefan Radel, Stephan Blahut, and Marius Steurer, all of whom reside in Austria. (See ECF Nos. 507, 521). The testimony of these witnesses is intended to help fill the gaps in Mr. Fischer's testimony concerning the collection and production of Alpha Prime's documents. Securing testimony through such Requests is, however, typically a time-consuming exercise.

Accordingly, having considered counsels' letters and the argument at the hearing, the Discovery Arbitrator hereby directs as follows:

1. A further hearing shall be held on June 4, 2019, at 10 a.m., at the JAMS New York Resolution Center, 620 Eighth Avenue, New York, New York.
2. Pending the hearing, the deadlines for expert disclosure and the completion of expert discovery in this matter are adjourned sine die.
3. During the hearing, the Discovery Arbitrator will consider how long an extension of the fact discovery deadline is warranted to ensure that the Trustee has secured all of the non-privileged Alpha Prime documents responsive to his requests before depositions are taken.

SO ORDERED.

Dated: New York, New York
March 27, 2019



Frank Maas
Discovery Arbitrator